



Exempt Action Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC 40-90
Regulation title	Regulation for Background Checks for Assisted Living Facilities and Adult Day Care Centers
Action title	Revise Regulation for Background Checks for Assisted Living Facilities and Adult Day Care Centers
Final agency action date	June 21, 2012
Document preparation date	June 21, 2012

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This regulatory action implements amendments to § 63.2-1719 the Code of Virginia (Code) by the 2012 General Assembly. The action amends the definition of "barrier crime" in section 22VAC 40-90-10 by adding "a felony violation of a protective order as set out in § 16.1-253.2," "abduction as set out in A or B of § 18.2-47," "extortion by threat as set out in § 18.2-59," and "felony violation of a protective order as set out in § 18.2-60.4" to align the regulation with the wording in the Code.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The State Board of Social Services took final action on 22VAC40-90, Regulation for Background Checks for Assisted Living Facilities and Adult Day Care Centers, on June 21, 2012.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

Families should have increased confidence in the safety of their vulnerable adult family members in assisted living facilities and adult day care centers as a result of this regulation that contains requirements for background checks for personnel operating and working in those facilities.

Periodic review

If this final regulation is not the result of a periodic review of the regulation, please delete this entire section. If this final regulation is the result of a periodic review, please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and (2) indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

No comments were received during the April 9, 2012 – April 30, 2012 public comment period following the publication of the Notice of Periodic Review. This regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

The regulation is necessary to provide guidance and clarification on implementation of the background check requirements of §§ 63.2-1720, 63.2-1721, and 63.2-1722 of the Code as those statutes relate to licensed assisted living facilities and adult day care centers. No complaints or comments on the regulation have been received. The regulation does not overlap, duplicate or conflict with federal or state law or regulation. The regulation was last reviewed in August 2008. There is no economic impact on small businesses caused by this regulation.